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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/194,112	11/23/1998	MASAHIDE ONUKI	229-532PCT	2812

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EXAMINER

BLAU, STEPHEN LUTHER

ART UNIT PAPER NUMBER

3711

DATE MAILED: 05/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/194,112

Applicant(s)

ONUKE ET AL.

Examiner

Stephen L. Blau

Art Unit

3711

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: As stated in the Final Office Action.

Claim(s) objected to: As stated in the Final Office Action.

Claim(s) rejected: As stated in the Final Office Action.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Continuation of 2. NOTE: Changing the dependency of claim 47 from claim 1 to claim 21 requires further consideration and/or searching. Claim 21 has different ranges and elements of structure than claim 1.

Continuation of 3. Applicant's reply has overcome the following rejection(s): The provisional objection under 37 CFR 1.75 for claim 47 a being a duplicate of claim 45.

Continuation of 5. does NOT place the application in condition for allowance because: The argument that it is not needed to have drawings showing face thickness to understand the claimed invention is disagreed with. With embodiments as figures 4(B) and figure 7 it would not be certain how a face would be made thicker. The argument that the finality is improper since claim 1 and 5 are now rejected by Koayashi '501 and Sielman '005 when they had previously not been and the rejection was not necessitated by an amendment is disagreed with. Claims 1 and 5 were previously rejected by Peker and Kobayashi '742 and these claims are still rejected by the same references. Peker in view of Kobayashi '501 and Sielman was used to reject newly added claims 45-47 which depended on claims 1 and 5. Claims 1 and 5 were listed for this new rejection to show dependency. In future rejections the examiner will remove claims 1 and 5 from the rejection of Peker in view of Kobayashi '501 and Sielman with respect to claims 45-47. The argument that it is improper to use the reference of Peker since Peker does not disclose the equation as claimed or ranges for Young's modulus and tensile strength are disagreed with. Peker disclosing the same composition coupled and with the knowledge of one skilled in the art, these properties claimed are obvious selections. The argument that Kobayashi '742 and Sielman '005 are improper since neither disclosed the equation or properties as claimed is disagreed with. They were not used to show this. The reference of Peker was. The documents discussing composition and differing properties have been considered but are not persuasive. One skilled in the art would have selected properties for the composition as those claimed in the claims since they are ideal for golf heads.


STEPHEN BLAU
PRIMARY EXAMINER